

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KENT DEAN WEBB,

Defendant.

Cause No. CR 18-15-M-SEH

ORDER

Defendant Kent Dean Webb (“Webb”) is currently serving a 121-month sentence for federal drug and firearms offenses.¹ He has moved for compassionate release under 18 U.S.C. § 3582(c)(1)(A) in light of the COVID-19 pandemic.

A district court may reduce a defendant’s sentence if an extraordinary and compelling reason justifies early release.²

¹ See Judgment (Doc. 36); Statement of Reasons (Doc. 37) at 1 § I(A); Presentence Report (Doc. 38) ¶¶ 13–36.

² See 18 U.S.C. § 3582(c)(1)(A); U.S.S.G. § 1B1.10 (Nov. 1, 2018). The guideline’s reference to requiring a motion from the Director of the Bureau of Prisons is disregarded as “contrary to the statute.” See *Chevron, U.S.A., Inc. v. Nat. Res. Def. Council, Inc.*, 467 U.S. 837, 844 (1984); 18 U.S.C. § 3582(c)(1)(A) (authorizing court to act “upon motion of the defendant”); First Step Act of 2018, Pub. L. No. 115-391, tit. VI, § 603(b)(1), 132 Stat. 5194, 5239 (Dec. 21, 2018); *United States v. Wong*, 2 F.3d 927, 929–30 (9th Cir. 1993).

Webb may have a health condition that increases his risk of severe illness if he again incurs COVID-19.³ Reduction of sentence by more than seven years as requested would denigrate the seriousness of the offense, undermine respect for the law, and fail to provide just punishment.⁴

ORDERED:

Webb's motion for compassionate release⁵ is DENIED.

DATED this 15th day of December, 2020.



Sam E. Haddon
United States District Court

³ See Mot. (Doc. 41) at 2; U.S. Resp. (Doc. 42) at 9–10 (hypertension).

⁴ See Statement of Reasons (Doc. 37) at 4 § VIII.

⁵ See Doc. 41.